

80

MICHAEL N. FEUER, City Attorney (SBN 111529)  
BEVERLY A. COOK, Assistant City Attorney (SBN 68312)  
DANIEL M. WHITLEY, Deputy City Attorney (SBN 175146)  
200 North Main Street, Room 920, City Hall East  
Los Angeles, California 90012  
Telephone: (213) 978-7786  
Fax: (213) 978-7711  
E-mail: [Daniel.Whitley@lacity.org](mailto:Daniel.Whitley@lacity.org)

Attorneys for Defendant *CITY OF LOS ANGELES*

**FILED**  
Superior Court of California  
County of Los Angeles

**SEP 01 2017**

Sherri R. Carter, Executive Officer/Clerk  
By *K. Ghazarian*, Deputy  
Karlet Ghazarian

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

HILL RHF HOUSING PARTNERS, L.P.;  
OLIVE RHF HOUSING PARTNER, L.P.,  
  
Petitioners/Plaintiffs,  
  
vs.  
  
CITY OF LOS ANGELES *et al*,  
  
Respondents/Defendants.

CASE NO.: BS170127

**ANSWER TO PETITION**

ANSWER TO VERIFIED PETITION

ANSWER

On behalf of Respondent/Defendant the City of Los Angeles ("Defendant"), Defendant responds as follows:

1. Admits.
2. Admits.
3. Defendant lacks information or belief sufficient to answer the allegations in this Paragraph, and basing its denial on this ground, denies each allegation therein.
4. Admits Sentence One. Neither admits nor denies Sentence Two as not alleging facts requiring an admission.
5. Admits.
6. Admits.
7. Neither admits nor denies as not alleging facts requiring an admission.
8. Neither admits nor denies as not alleging facts requiring an admission.
9. Admits.
10. Neither admits nor denies as not alleging facts requiring an admission. Alleges on information and belief that based on the street address the properties could classified as either R5-4D or C2-4D.
11. Defendant lacks information or belief sufficient to answer the allegations in this Paragraph, and basing its denial on this ground, denies each allegation therein.
12. Defendant lacks information or belief sufficient to answer the allegations in this Paragraph, and basing its denial on this ground, denies each allegation therein.
13. Neither admits nor denies as not alleging facts requiring an admission. Denies the remainder of the Paragraph on the basis that the remaining allegations consist of summaries of,

1 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
2 therefore not suitable for either admission or denial.

3 14. Defendant lacks information or belief sufficient to answer the allegations in this  
4 Paragraph, and basing its denial on this ground, denies each allegation therein.

5 15. Admits that such lawsuit was filed on July 18, 2012. Defendant lacks information or  
6 belief sufficient to answer the allegations in this Paragraph, and basing its denial on this ground, denies  
7 each allegation therein.

8 16. Admits that a settlement was reached and that the settlement agreement is attached as  
9 Exhibit A. Denies the remainder of the Paragraph on the basis that the remaining allegations consist of  
10 summaries of, restatements of, conclusions regarding, or otherwise restate the contents of the  
11 document and are therefore not suitable for either admission or denial. The document speaks for itself.

12 17. Admits.

13 18. Admits that such letter is attached as Exhibit B. Denies the remainder of the  
14 Paragraph on the basis that the remaining allegations consist of summaries of, restatements of,  
15 conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable  
16 for either admission or denial. The document speaks for itself.

17 19. Admits that such document is attached as Exhibit C. Denies for lack of information  
18 sufficient to admit that Exhibit C contains the entire document received by Plaintiffs. Denies the  
19 remainder of the Paragraph on the basis that the remaining allegations consist of summaries of,  
20 restatements of, conclusions regarding, or otherwise restate the contents of the document and are  
21 therefore not suitable for either admission or denial. The document speaks for itself.

22 20. Admits that such document is attached as Exhibit D. Denies the remainder of the  
23 Paragraph on the basis that the remaining allegations consist of summaries of, restatements of,  
24

conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable for either admission or denial. The document speaks for itself.

21. Admits that such document is attached as Exhibit E. Denies the remainder of the Paragraph on the basis that the remaining allegations consist of summaries of, restatements of, conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable for either admission or denial. The document speaks for itself.

22. Admits that such document is attached as Exhibit F. Denies the remainder of the Paragraph on the basis that the remaining allegations consist of summaries of, restatements of, conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable for either admission or denial. The document speaks for itself.

23. Admits that such document is attached as Exhibit G. Denies the remainder of the Paragraph on the basis that the remaining allegations consist of summaries of, restatements of, conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable for either admission or denial. The document speaks for itself.

24. Admits that such document is attached as Exhibit F. Denies the remainder of the Paragraph on the basis that the remaining allegations consist of summaries of, restatements of, conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable for either admission or denial. The document speaks for itself.

25. Admits that such document is attached as Exhibit F. Denies the remainder of the Paragraph on the basis that the remaining allegations consist of summaries of, restatements of, conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable for either admission or denial. The document speaks for itself.

1       26. Defendant lacks information or belief sufficient to answer the allegations in this  
2 Paragraph, and basing its denial on this ground, denies each allegation therein.

3       27. Admits that the Engineers Report relating to the Downtown Center BID to be  
4 established on or about January 1, 2018, is attached as Exhibit G. Denies the remainder of Paragraph  
5 27 on the basis that the remaining allegations consist of summaries of, restatements of, conclusions  
6 regarding, or otherwise restate the contents of the document and are therefore not suitable for either  
7 admission or denial. The document speaks for itself.

8       28. Admits that such document is attached as Exhibit H. Denies the remainder of  
9 Paragraph 27 on the basis that the remaining allegations consist of summaries of, restatements of,  
10 conclusions regarding, or otherwise restate the contents of the document and are therefore not suitable  
11 for either admission or denial. The document speaks for itself.

12       29. Defendant lacks information or belief sufficient to answer the allegations in this  
13 Paragraph, and basing its denial on this ground, denies each allegation therein.

14       30. Neither admits nor denies as not alleging facts requiring an admission.

15       31. Defendant lacks information or belief sufficient to answer the allegations in this  
16 Paragraph, and basing its denial on this ground, denies each allegation therein.

17       32. Neither admits nor denies as not alleging facts requiring an admission.

18       33. Neither admits nor denies as not alleging facts requiring an admission.

19       34. Neither admits nor denies on the basis that the allegations consist of summaries of,  
20 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
21 therefore not suitable for either admission or denial. The Constitution speaks for itself.  
22  
23  
24  
25  
26  
27  
28

1 35. Neither admits nor denies on the basis that the allegations consist of summaries of,  
2 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
3 therefore not suitable for either admission or denial. The Constitution speaks for itself.  
4

5 36. Neither admits nor denies on the basis that the allegations consist of summaries of,  
6 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
7 therefore not suitable for either admission or denial. The Engineer's Report speaks for itself.  
8

9 37. Neither admits nor denies on the basis that the allegations consist of summaries of,  
10 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
11 therefore not suitable for either admission or denial. The Engineer's Report speaks for itself.  
12

13 38. Neither admits nor denies on the basis that the allegations consist of summaries of,  
14 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
15 therefore not suitable for either admission or denial. The Engineer's Report speaks for itself.  
16

17 39. Denies.

18 40. Defendant lacks information or belief sufficient to answer the allegations in this  
19 Paragraph, and basing its denial on this ground, denies each allegation therein.  
20

21 41. Neither admits nor denies as not alleging facts requiring an admission.

22 42. Neither admits nor denies as not alleging facts requiring an admission.

23 43. Neither admits nor denies as not alleging facts requiring an admission.

24 44. Neither admits nor denies as not alleging facts requiring an admission.

25 45. Neither admits nor denies as not alleging facts requiring an admission.

26 46. Neither admits nor denies as not alleging facts requiring an admission.

27 47. Neither admits nor denies as not alleging facts requiring an admission.  
28

1 48. Neither admits nor denies on the basis that the allegations consist of summaries of,  
2 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
3 therefore not suitable for either admission or denial. The Constitution speaks for itself.  
4

5 49. Neither admits nor denies as not alleging facts requiring an admission.

6 50. Neither admits nor denies as not alleging facts requiring an admission.

7 51. Neither admits nor denies as not alleging facts requiring an admission.

8 52. Neither admits nor denies as not alleging facts requiring an admission.

9 53. Neither admits nor denies as not alleging facts requiring an admission.

10 54. Neither admits nor denies as not alleging facts requiring an admission.

11 55. Neither admits nor denies as not alleging facts requiring an admission.

12 56. Neither admits nor denies as not alleging facts requiring an admission.

13 57. Neither admits nor denies as not alleging facts requiring an admission.

14 58. Neither admits nor denies as not alleging facts requiring an admission.

15 59. Neither admits nor denies on the basis that the allegations consist of summaries of,  
16 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
17 therefore not suitable for either admission or denial. The Code speaks for itself.  
18

19 60. Neither admits nor denies on the basis that the allegations consist of summaries of,  
20 restatements of, conclusions regarding, or otherwise restate the contents of a document and are  
21 therefore not suitable for either admission or denial. The Code speaks for itself.  
22

23 61. Denies.

24 62. Neither admits nor denies as not alleging facts requiring an admission.

25 63. Neither admits nor denies as not alleging facts requiring an admission.

26 64. Neither admits nor denies as not alleging facts requiring an admission.  
27  
28

- 1 65. Neither admits nor denies as not alleging facts requiring an admission.
- 2 66. Neither admits nor denies as not alleging facts requiring an admission.
- 3 67. Neither admits nor denies as not alleging facts requiring an admission.
- 4 68. Neither admits nor denies as not alleging facts requiring an admission.
- 5 69. Neither admits nor denies as not alleging facts requiring an admission.
- 6 70. Neither admits nor denies as not alleging facts requiring an admission.
- 7 71. Neither admits nor denies as not alleging facts requiring an admission.
- 8 72. Neither admits nor denies as not alleging facts requiring an admission.
- 9 73. Neither admits nor denies as not alleging facts requiring an admission.
- 10 74. Defendant lacks information or belief sufficient to answer the allegations in this
- 11 Paragraph, and basing its denial on this ground, denies each allegation therein.
- 12
- 13 75. Defendant lacks information or belief sufficient to answer the allegations in this
- 14 Paragraph, and basing its denial on this ground, denies each allegation therein.
- 15
- 16 76. Neither admits nor denies as not alleging facts requiring an admission.
- 17
- 18 77. Denies Sentence One. Neither admits nor denies on the basis that the allegations
- 19 consist of summaries of, restatements of, conclusions regarding, or otherwise restate the contents of a
- 20 document and are therefore not suitable for either admission or denial.
- 21
- 22 78. Neither admits nor denies as not alleging facts requiring an admission.
- 23 79. Neither admits nor denies as not alleging facts requiring an admission.
- 24 80. Neither admits nor denies as not alleging facts requiring an admission.
- 25 81. Neither admits nor denies as not alleging facts requiring an admission.
- 26 82. Neither admits nor denies as not alleging facts requiring an admission.
- 27 83. Neither admits nor denies as not alleging facts requiring an admission.
- 28



- 84. Neither admits nor denies as not alleging facts requiring an admission.
- 85. Neither admits nor denies as not alleging facts requiring an admission.
- 86. Neither admits nor denies as not alleging facts requiring an admission.
- 87. Neither admits nor denies as not alleging facts requiring an admission.
- 88. Neither admits nor denies as not alleging facts requiring an admission.

**AFFIRMATIVE DEFENSES TO ALL ALLEGED CAUSES OF ACTION**

**FOR A FIRST, SEPARATE, AND DISTINCT DEFENSE, DEFENDANT ALLEGES:**

89. That Plaintiffs failed to state facts sufficient to constitute any claim for relief against Defendant.

**FOR A SECOND, SEPARATE, AND DISTINCT DEFENSE, DEFENDANT ALLEGES:**

90. That Plaintiffs, by their conduct, waived any rights to the relief they seek and are barred from seeking the relief sought or any relief whatsoever.

**FOR A THIRD, SEPARATE, AND AFFIRMATIVE DEFENSE, DEFENDANT ALLEGES:**

91. That the Plaintiffs' claims are barred by the doctrine of unclean hands.

**FOR A FOURTH, SEPARATE, AND AFFIRMATIVE DEFENSE, DEFENDANT ALLEGES:**

92. That the Plaintiffs' claims are barred for failure to exhaust administrative remedies and/or identify issues of dispute prior to bringing suit in Superior Court.

**FOR A FIFTH, SEPARATE, AND AFFIRMATIVE DEFENSE, DEFENDANT ALLEGES:**

93. That the Plaintiff's claims are barred to the extent that Plaintiff concealed, failed to disclose, or misrepresented material facts.

**FOR A SIXTH, SEPARATE, AND AFFIRMATIVE DEFENSE, DEFENDANT ALLEGES:**

94. That the Plaintiff's claims are barred to the extent that Plaintiff lack standing to bring the instant lawsuit.

1        FOR A SEVENTH, SEPARATE, AND AFFIRMATIVE DEFENSE, DEFENDANT

2        ALLEGES:

3        95.     If any damages or losses were suffered by Plaintiffs, then Plaintiffs failed to take  
4 reasonable and/or necessary steps in order to mitigate, lessen, reduce, and minimize said damages and  
5 losses, including exhaustion of administrative remedies.

6        FOR AN EIGHTH, SEPARATE, AND AFFIRMATIVE DEFENSE, DEFENDANT

7        ALLEGES:

8        96.     Plaintiffs are unjustly enriched by Defendants' actions and must recompense Defendant  
9 for such enrichment.

10       FOR A NINTH, SEPARATE, AND AFFIRMATIVE DEFENSE, DEFENDANT ALLEGES:

11       97.     Defendant has insufficient knowledge or information of which to form a belief as to  
12 whether additional affirmative defenses are available and accordingly, reserves the right to assert  
13 additional affirmative defenses as appropriate.

PRAYER

WHEREFORE, the Defendant prays:

- 1. That Plaintiffs take nothing and that judgment shall be entered for the Defendant;
- 2. For Defendant's costs of suit herein; and
- 3. For other and further relief as the Court deems just and proper.

Dated: September 1, 2017

Respectfully submitted,

MICHAEL N. FEUER, City Attorney (SBN 111529)  
BEVERLY A. COOK, Assistant City Attorney (SBN 68312)  
DANIEL M. WHITLEY, Deputy City Attorney (SBN 175146)

By   
**DANIEL M. WHITLEY**  
*Attorneys for the City of Los Angeles*

m:\econ dev \_pub finance\public finance\dan whitley\dc bid\answer to verified petition.doc

PROOF OF SERVICE

I, Cynthia Marchena, declare as follows: I am employed in the County of Los Angeles, California. I am over the age of 18 and not a party to the within action. My business address is 200 N. Main St., Rm. 920 C.H.E., and Los Angeles, California 90012.

On September 1, 2017, I served the foregoing document described as:  
**ANSWER TO VERIFIED PETITION**, on the interested parties in this action by placing a ☒ true copy ☐ original copy thereof enclosed in a sealed envelope addressed as follows:

Timothy D. Reuben, Esq.  
REUBEN RAUCHER & BLUM  
12400 Wilshire Blvd., Ste. 800  
Los Angeles, CA 90025

☒ **MAIL** - I caused such envelope to be deposited in the United States mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I caused such envelope to be deposited in the mail at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **BY PERSONAL SERVICE** - ( ) I delivered by hand, or ( ) I caused to be delivered via messenger service, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified above.

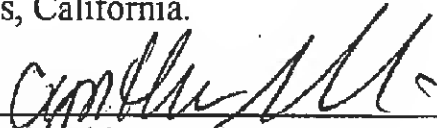
☐ **BY OVERNIGHT COURIER** - I caused the above-referenced document(s) to be delivered to DHL, an overnight courier service, for delivery to the above addressee(s).

☐ **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted to the above-named person(s).

☐ **Federal** - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

☒ **State** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 1, 2017, at Los Angeles, California.

  
Cynthia Marchena